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FM AMEMBASSY SARAJEVO
TO SECSTATE WASHDC IMMEDIATE 4962

UNCLAS SARAJEVO 003060

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L/LEI FOR GUILANI, GUTHRIE

E.O. 12958: N/A

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SUBJECT: CORRECTED COPY: BOSNIAN RESPONSE CONCERNING
EXTRADITION OF OSMAN SABIC

REF: A. SARAJEVO 3057 B. STATE 189861

¶1. This message corrects an error in paragraph two of Sarajevo 3057 that incorrectly identified the date of the letter from Velika Kladusa Municipal Court. This message supercedes Sarajevo 3057 (REF. A).

¶2. On November 29, 2006, Post received an official response concerning the Department's inquiry into whether Osman Sabic would be able to appeal his 1999 conviction in absentia for murder if extradited to Bosnia and Herzegovina (BiH) (REF. B). The Federation of Bosnia and Herzegovina (FBiH) Una Sana Canton Velika Kladusa Municipal Court confirms that Sabic has the right to lodge a request for extraordinary legal remedy to pursue his case under the BiH Constitution, FBiH Constitution, and the European Convention on Human Rights and Fundamental Freedoms.

¶2. Below is an unofficial translation of the response received via the BiH Ministry of Justice Assistant Minister Nikola Sjadoje from the Velika Kladusa Municipal Court. Copies of the original court letter, dated November 28, 2006, and the unofficial translation provided by the Embassy have been sent to L/LEI Guthrie via email.

BEGIN TEXT OF UNOFFICIAL TRANSLATION:

From:

Bosnia and Herzegovina
FBiH Bosnia and Herzegovina
Una-Sana Canton
Velika Kladusa Municipal Court
No: IKS: 2/2000
Velika Kladusa, November 28, 2006

To:

BiH Ministry of Justice
Sarajevo, Trg BiH
h/d to Nikola Sladoje, Assistant Minister

Subject: Osman Sabic, Extradition case

Re: Your letter No. 07-14-2505/04 from November 22, 2006

In response to your letter from November 22, 2006, I would like to inform you that Osman Sabic had the opportunity to make a plea, that is to present his defense in regard to murder charges, during criminal procedures which took place before the Bihac Cantonal Court (No. K-234/97). However, as you can see from the files, Osman Sabic intentionally did not use such opportunity, because he knew that he would be tried, so he left BiH and went to the U.S. in May, 1997. This was why, on December 16, 1998, Bihac Cantonal Court passed the Decision to try the defendant in absentia.

Evidence: Letter from the Velika Kladusa Police Station, No. 05-9/01-118/98 (dated November 20, 1998) to Bihac Cantonal Court.

Since Osman Sasic resided in the U.S. from May 1997, he did not attend the hearing before the FBiH Supreme Court, which took place on October 21, 1999 (case Kz-155/99), but his attorney Suljo Delic from Bihac did attend.

Evidence: Copy of the report from the FBiH Supreme Court session on October 21, 1999.

Guarantees that Osman Sasic would get a new trial, in the event that he lodges the request for extraordinary legal remedy, are present in the BiH Constitution, the FBiH Constitution and the European Convention on Human Rights and Fundamental Freedoms (which is being applied in BiH directly and has priority over any other laws in BiH, including the FBiH Criminal Procedure Code).

In connection with extradition expenses, I hereby inform you that the Cantonal Ministry of Justice provided 9,000 KM for extradition expenses, in accordance with the Una-Sana Cantonal Government Decision, No. 03-017-860/2006-OC from November 23, 2006. This Decision specifies that 4,000 KM will be paid from the Una-Sana Government's budget and 5,000 KM will be paid from the Una-Sana Ministry of Justice budget.

With respect,

President of the Court:

Milan Romanic

(Signature and official seal of the Velika Kladusa Municipal Court, Una Sana Canton, Federation of Bosnia and Herzegovina)

END TEXT.
CEFKIN